

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Transition from TTY to Real-Time Text Technology)	CG Docket No. 16-145
)	
Petition For Rulemaking To Update The Commission's Rules For Access To Support The Transition From TTY To Real-Time Text Technology, And Petition For Waiver Of Rules Requiring Support Of TTY Technology)	GN Docket No. 15-178
)	

REPLY COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION¹

Competitive Carriers Association (“CCA”) reiterates its and its members’ commitment to accessibility, and its members continue to work towards developing and implementing Real-Time Text (“RTT”) or other accessible IP-based text alternatives. As the Federal Communications Commission (“FCC” or “Commission”) moves forward to adopt new rules governing deployment of RTT technologies, CCA encourages the Commission to ensure that any obligations are readily achievable and achievable by small and non-nationwide carriers.

I. THE COMMISSION MUST ENSURE THAT ANY NEW RULES ARE ACHIEVABLE AND READILY ACHIEVABLE BY TIER II AND TIER III CARRIERS

The Commission’s Notice of Proposed Rulemaking (“NPRM”) proposes to grant Tier II and Tier III carriers additional time to comply with any new RTT obligations.² As noted in

¹ Unless otherwise indicated, all comments referenced herein were filed on July 11, 2016 in CG Docket No. 16-145 and GN Docket No. 15-178.

² *Transition from TTY to Real-Time Text Tech.*, Notice of Proposed Rulemaking, FCC 16-53, ¶ 27 (rel. Apr. 29, 2016) (“NPRM”).

CCA's opening comments, and as highlighted in the record throughout this proceeding, non-nationwide carriers should be granted additional time to comply. Specifically, the record demonstrates considerable concern regarding the feasibility of certain aspects of compliance by December 2017 by *nationwide* carriers and manufacturers.³ Those concerns are magnified for non-nationwide carriers with fewer resources and a limited ability to influence standards development and equipment design.⁴

In seeking a waiver of the existing TTY rules, CCA requested an additional eighteen months for compliance for its non-nationwide carrier members.⁵ The Bureaus deferred decision on the appropriate amount of time for this proceeding.⁶ Since CCA filed its waiver request in April, CCA's non-nationwide members continue to believe that they will need an additional eighteen months to comply. In evaluating whether to allot Tier II and Tier III carriers an extension of time, the Commission should consider its requirement that any new rules are feasible,⁷ coupled with concerns in the record regarding the feasibility of the December 2017 mandate even for nationwide carriers. With this in mind, an additional eighteen months for compliance will ensure that compliance by Tier II and Tier III carriers will be achievable or

³ See Comments of CTIA at 14-15 ("CTIA Comments"); T-Mobile USA, Inc. at 9-10, supporting phased-in handset requirements based on RTT handset availability ("T-Mobile Comments"); see also the Consumer Tech. Ass'n F/K/A the Consumer Elecs. Ass'n at 7 ("CTA Comments"); see also Telecomms. Industry Ass'n at 5-8 ("TIA Comments").

⁴ See Comments of Competitive Carriers Ass'n at 4 ("CCA Comments"); see also Revised Petition of Competitive Carriers Ass'n for a Waiver at 7-9, GN Docket No. 15-178 (filed Apr. 8, 2016) ("CCA Revised Waiver Petition").

⁵ See CCA Revised Waiver Petition at 7-9.

⁶ See *Petition for Waiver of Rules Requiring TTY Tech.*, Order, DA 16-435, GN Docket No. 15-178, ¶ 19 (rel. Apr. 20, 2016).

⁷ See T-Mobile Comments at 3-6; see also CTA Comments at 6.

readily achievable, without extending the deployment deadline by an unreasonable amount of time.

The Commission can further ensure that its rules are achievable and readily achievable for all carriers by adopting mandates that allow for phased-in compliance, particularly with respect to handsets. Until manufacturers make handsets available, carriers cannot deploy RTT.⁸ A phased-in handset mandate, combined with additional time for deployment by non-nationwide carriers, will allow even small carriers greater flexibility to deploy RTT sooner rather than later.

While CCA is pleased that the record supports Tier II and Tier III carriers' need for an extended compliance deadline, six months is not enough time.⁹ As CCA noted in its initial comments in this proceeding, its members lack the ability to influence standards development and equipment design enjoyed by other wireless carriers, particularly those with wireline infrastructure.¹⁰ An additional six months for compliance will not be sufficient to close that gap.

By ensuring that the new rules provide sufficient time for small and non-nationwide carriers to deploy the necessary infrastructure and obtain RTT-capable handsets, the Commission can avoid imposing obligations on carriers that are not achievable or readily achievable, and therefore avoid risking arbitrary and capricious rulemaking.¹¹ CCA therefore reiterates its request for an eighteen-month extension for its non-nationwide carrier members to comply with any new RTT rules.

⁸ See T-Mobile Comments at 9-10; *see also* Comments of Verizon at 6 ("Verizon Comments"); *cf.* CTA Comments at 7-8; *see also* TIA Comments at 8.

⁹ See Comments of the Rehab. Eng'g Research Ctr. on Tech. for the Deaf and Hard of Hearing, the Rehab. Eng'g Research Center on Universal Interface and IT Access, and Omnitor at 12 ("RERC/Omnitor Comments").

¹⁰ See CCA Comments at 5; *see also* CCA Revised Waiver Petition at 8.

¹¹ See CCA Comments at 3.

II. THE COMMISSION’S NEW RULES SHOULD APPLY ONLY TO HANDSETS DESIGNED AND MANUFACTURED AFTER THE COMPLIANCE DEADLINE

CCA highlights the overwhelming consensus in the record that any mandates for RTT compliance in handsets must attach to newly designed and manufactured devices, and not to devices already in service or to existing models.¹² As noted in initial comments in this proceeding, many of CCA’s smaller members are often delayed obtaining newly manufactured equipment given their size and scale in the ecosystem.¹³ Because of this competitive disadvantage, any additional mandates could strain limited resources and complicate compliance with regulatory obligations. Likewise, devices that cannot use IP-based networks or support IP-based services,¹⁴ as well as feature phones, should be exempt from any RTT mandates.¹⁵ Requiring RTT on such devices would be overly burdensome, particularly given the limited ability of these devices to use IP networks and text-based communications.

¹² See T-Mobile Comments at 9-11; Comments of TracFone Wireless, Inc. at 8; Verizon Comments at 6-7; CTA Comments at 7-8; TIA Comments at 8; *cf.* Comments of AT&T at 6 (noting that the Commission typically provides two years for manufacturers to achieve compliance with accessibility regulations) (“AT&T Comments”). The Commission itself acknowledged that Section 255 and Section 716 “do not require manufacturers of equipment to recall or retrofit equipment already in their inventories or in the field. In addition, cosmetic changes to a product or service do not trigger the need for a manufacturer or service provider to reassess their devices for accessibility under these sections.” *NPRM* ¶ 29 n.92 (citing *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557, ¶ 124 (2011); *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as enacted by the Telecommunications Act of 1996, Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities*, Report and Order and Further Notice of Inquiry, 16 FCC Rcd 6417, ¶ 71 (1999)).

¹³ See CCA Comments at 5, 7.

¹⁴ See Verizon Comments at 5-6.

¹⁵ See CTA Comments at 3.

In addition, CCA echoes commenters who assert that carriers should have the ability to cease support for TTY on devices that support RTT after the compliance deadline.¹⁶ Continued support for TTY in addition to RTT is burdensome and of limited utility where backwards compatibility for critical calls is ensured.

III. NEW RULES IMPOSING AN OBLIGATION TO DEPLOY RTT WILL BE MOST SUCCESSFUL IF THEY ARE LIMITED IN SCOPE

As the Commission moves to implement its proposed new rules, CCA reiterates that any new rules will not only be more likely to be achievable and readily achievable, but also will better serve consumers, if they are limited in scope. Thus, backwards compatibility should be limited to critical calls—those to 911 and 711¹⁷—and the Commission should adopt a clear date for a sunset of that obligation.¹⁸ Deferring the sunset of backwards compatibility to the end of analog communications (e.g., the end of the PSTN) is unnecessary and would be enormously burdensome on carriers.¹⁹

In addition, mandates for feature sets should be limited to those needed to enable 911 and 711 calling.²⁰ Indeed, for those carriers that intend to rely on RFC 4103 as a safe harbor, ATIS

¹⁶ See CTIA Comments at 7-8; *see also* AT&T Comments at 6-7; *see also* Verizon Comments at 3; *see also* CTA Comments at 3; *see also* TIA Comments at 13.

¹⁷ See T-Mobile Comments at 5.

¹⁸ See *id.* at 11-12.

¹⁹ Those commenters calling for such extended support produce technology that enables backwards compatibility. CCA again reiterates the disadvantage its members experience in obtaining equipment needed to comply with this mandate, given their scale and scope in the ecosystem. See RERC/Omnitor Comments at 68.

²⁰ See Verizon at 8 (advocating that the Commission focus its “‘minimum functionalities’ for RTT on the more fundamental requirements, such as interoperability and backward compatibility Adopting other proposed minimum[s] could complicate efforts to deploy RTT in a timely way.”).

has recognized that the standard does not include provisions for providing many of these additional features.²¹ A mandate to include these features could therefore be infeasible until standards and protocols addressing such features are developed.

IV. CONCLUSION

CCA and its members appreciate the opportunity to comment on the Commission's proposed rules governing new services to improve access to critical communications by all consumers. As the Commission moves forward to adopt these rules, CCA encourages the FCC to ensure that any obligations are readily achievable and achievable by small and non-nationwide carriers—including by providing an extended deadline for RTT deployment for those carriers. Forward-looking rules that focus on critical features will ensure the success of RTT deployment across industries and increase the ability of carriers to deploy as soon as possible.

Respectfully submitted,

/s/ Rebecca Murphy Thompson
Steven K. Berry
Rebecca Murphy Thompson
Courtney Neville
COMPETITIVE CARRIERS ASSOCIATION
805 15th Street NW, Suite 401
Washington, DC 20005
(202) 449-9866

July 25, 2016

²¹ See Comments of the Alliance for Telecommunications Industry Solutions at 6-7.